

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER FREITICK,)
)
Plaintiff,)
)
)
v.) CIVIL ACTION
) NO. 09-cv-1414
SMS RAIL LINES,)
)
Defendant.)

ORDER

AND NOW, this 17th day of September 2010, upon review and consideration of Defendant's Motion for Summary Judgment [docket entry No. 22], Plaintiff's Response to Defendant's Motion for Summary Judgment [docket entry No. 25], Defendant's Reply [docket entry No. 26], and for reasons set forth in the attached Memorandum Opinion, it is hereby
ORDERED that Defendants' Motion is **DENIED**.

It is further **ORDERED** that Defendant's Request for Oral Argument [docket entry No. 27] is **DISMISSED as MOOT**.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUGE, J.